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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,377

04/19/2004

Akito Takegawa

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7590
Liniak, Berenato & White
Ste. 240
6550 Rock Spring Drive
Bethesda, MD 20817

05/04/2007

EXAMINER

LEON, EDWIN A

ART UNIT

PAPER NUMBER

2833

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05/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	Application No. 10/826,377	Applicant(s) TAKEGAWA, AKITO	
	Examiner Edwin A. León	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____ |
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DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed February 6, 2007 in which Claims 1, 8, and 15 have been amended and new Claims 18-20 have been added, has been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-8, 14-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshino (U.S. Patent No. 6,031,170) in view of Pagliuso (U.S. Patent No. 2,480,382).

With regard to Claims 1-3, 5-6 and 14, Hoshino discloses (in Fig. 2) a tip structure for a support leg (10) for a musical instrument stand (HA), comprising: a foot member (10a) at a terminal end of the support leg, the foot member having a main body (11); an elongated spike member (30) disposed in a first aperture (12) of the main body and the spike member translating in the aperture of the main body.

Hoshino discloses substantially the claimed invention except for the spike member being resiliently biased to translate in the aperture of the main body, an internal locking assembly for locking the spike member in a projecting position with respect to the main body, a button member slidingly disposed in a second aperture of the main body, the button member selectively disengaging the internal locking assembly, the internal locking assembly is contained within the main body, a retraction spring biasing the spike member toward a retracted position when the button member is depressed.

Pagliuso teaches (in Figs. 1-2 and 7) a similar structure having a spike member (21) being resiliently biased to translate in an aperture (Fig. 2) of a main body (3), an internal locking assembly (23) for locking the spike member in a projecting position (Fig. 7) with respect to the main body, a button member (22) slidingly disposed in a second aperture (Fig. 2) of the main body, the button member selectively disengaging the internal locking assembly, the internal locking assembly is contained within the main body, a retraction spring (25) biasing the spike member toward a retracted position (Fig. 2) when the button member is depressed. This structure provides a self locking and automatic spike device (Column 1, Lines 49-50).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the structure of Hoshino by including the spike member being resiliently biased to translate in the aperture of the main body, an internal locking assembly for locking the spike member in a projecting position with respect to the main body, a button member slidingly disposed in a second aperture of the main body, the button member selectively disengaging the internal locking assembly, the

internal locking assembly is contained within the main body, a retraction spring biasing the spike member toward a retracted position when the button member is depressed as taught in Pagliuso in order to provide a self locking and automatic spike device.

With regard to Claim 7, Hoshino discloses (in Fig. 2) an end cap (20) fitted around a bottom portion of the main body, the end cap having an opening (22) through which the spike member is adapted to pass.

With regard to Claim 8, Hoshino discloses (in Fig. 2) at least one mounting hole (where 13 is located) disposed on a side of the main body for mounting the main body to at least one leg (10) of a stand (HA).

With regard to Claims 15-16, Hoshino discloses (in Fig. 2) a tip structure for a support leg (10) for a stand (HA), comprising: a foot member (10a) at a terminal end of the support leg having a main body (11); an elongated spike member (30) disposed in a first aperture (12) of the main body; an internal locking assembly (32) for locking the spike member in a projecting position (Fig. 3) with respect to the main body; a lock disabling assembly (35) for selectively disengaging the internal locking assembly.

Hoshino discloses substantially the claimed invention except for the spike member being resiliently biased to translate in the aperture of the main body, the lock disabling assembly comprises a button member slidably disposed in a second aperture of the main body, the button member selectively disengaging the internal locking assembly.

Pagliuso teaches (in Figs. 1-2 and 7) a similar structure having a spike member (21) being resiliently biased to translate in an aperture (Fig. 2) of a main body (3), a lock

disabling assembly comprises a button member (22) slidably disposed in a second aperture (Fig. 2) of the main body, the button member selectively disengaging the internal locking assembly. This structure provides a self locking and automatic spike device (Column 1, Lines 49-50).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the structure of Hoshino by including the spike member being resiliently biased to translate in the aperture of the main body, the lock disabling assembly comprises a button member slidably disposed in a second aperture of the main body, the button member selectively disengaging the internal locking assembly as taught in Pagliuso in order to provide a self locking and automatic spike device.

With regard to Claims 18-20, Hoshino discloses (in Fig. 2) tip structure assemblies for a plurality of support legs (10) for supporting a musical instrument stand (HA), comprising: a foot member (10a) at a terminal end of each of the plurality of the support legs, a plurality of main bodies (11) defined by each of the foot members; elongated spike members (30) disposed in a first aperture (12) of each the main bodies.

Hoshino discloses substantially the claimed invention except for the spike members being resiliently biased to translate in the aperture of the main bodies, internal locking assemblies for locking the spike members in a projecting position with respect to the main bodies, button members slidably disposed in a second aperture of the main bodies, the button members selectively disengaging the internal locking assemblies

Pagliuso teaches (in Figs. 1-2 and 7) a similar structure having a spike member (21) being resiliently biased to translate in an aperture (Fig. 2) of a main body (3), a lock disabling assembly comprises a button member (22) slidably disposed in a second aperture (Fig. 2) of the main body, the button member selectively disengaging the internal locking assembly. This structure provides a self locking and automatic spike device (Column 1, Lines 49-50).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the structure of Hoshino by including the spike member being resiliently biased to translate in the aperture of the main body, the lock disabling assembly comprises a button member slidably disposed in a second aperture of the main body, the button member selectively disengaging the internal locking assembly as taught in Pagliuso in order to provide a self locking and automatic spike device.

4. Claims 4, 10-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshino (U.S. Patent No. 6,031,170) in view of Pagliuso (U.S. Patent No. 2,480,382), as applied in Claims 1-2 and 15, in further view of Mindheim et al. (U.S. Patent No. 3,942,856). The combination of Hoshino and Pagliuso discloses substantially the claimed invention except for the internal locking assembly comprising a resiliently biased locking plate having a latching portion that engages a detent formed in the spike member, the locking plate being L-shaped.

Mindheim teaches (in Fig. 4) a similar structure having an internal locking assembly comprising a locking plate (the combination of 61, 62, 66) having a latching portion (66) that engages a detent (67) formed in a member (41), the locking plate being L-shaped. This structure prevents the member from being removed or inserted inadvertently (Column 1, Lines 24-25).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the structure of Hoshino and Pagliuso by including an internal locking assembly comprising a locking plate having a latching portion that engages a detent formed in a member, the locking plate being L-shaped as taught in Mindheim in order to prevent the spike member from being removed or inserted inadvertently.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshino (U.S. Patent No. 6,031,170) in view of Pagliuso (U.S. Patent No. 2,480,382), as applied in Claims 1 and 8, in further view of Liao (U.S. Patent Application Publication No. 2004/0107983). The combination of Hoshino and Pagliuso discloses substantially the claimed invention except for at least one pivot limiting member for limiting a range of pivotal motion between the main body and the support leg.

Liao teaches (in Figs. 3-5) a similar structure having at least one pivot limiting member (70, 76) for limiting a range of pivotal motion between a main body (14) and a support leg (10). This structure provides a reduced degree of mechanical stiffness being able to rotate and pivot in use (Paragraph 0012).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the structure of Hoshino and Pagliuso by including at least one pivot limiting member for limiting a range of pivotal motion between the main body and the support leg as taught in Liao in order to provide a reduced degree of mechanical stiffness being able to rotate and pivot in use.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

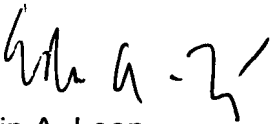
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Edwin A. Leon
AU 2833